

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicants believe that the above changes answer the Examiner objection to claim 1, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1-4 and 6-8 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,588,015 to Eyer et al. The Examiner has further rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Eyer et al.

The Eyer et al. patent discloses a broadcast interactive digital radio. In this broadcasting system, tiers of service level are provided so that paying subscribers can skip some commercials while not-paying subscribers cannot skip the commercials (see Abstract). A user subscribes to a particular level of service, for example a free service or a premium service (col. 2, lines 44-46). In the free service, the user will have to listen to the commercials, while in the premium service he will be free of commercials (col. 2, lines 46-50 and col. 6, lines 57-61).

How this is realized is described in Eyer et al. at col. 2, lines 50-52, where it is explained that only the paying users will be provided with data which indicates access points for the program segments (these access points being used to know the beginnings and ends of at least the commercials). This same

explanation is given with reference to Fig. 10 (see for instance col. 16, lines 37-39), where it is explained that the paying user (i.e. the "subscribers") are provided with additional access points which allow bypassing of the commercials. In other words, the non-paying users are not provided with these additional access points. This means that the signals sent by the service provider to the user will depend on the kind of user to which the signals are sent. The paying users will be provided with complete signals (including timing of the commercials) while the non-paying users will be provided with incomplete signals (no timing of commercials).

As noted by the Examiner, Eyer et al. further discloses "multiplexing all data streams including one or more control streams (Figure 1, 130, 120, Column 4, lines 11-34, Column 5, lines 56-65). Eyer discloses that the pay control stream and free control stream are sent in parallel and that the paying subscribers decrypt the pay stream to be able to skip advertisements (Column 17, lines 13-21). Therefore the same information signal is transmitted to all subscribers and only paying subscribers have access to the pay control stream which allows for users to skip or fast forward through programs and the free control stream is used by the non paying subscribers (Column 4, lines 14-16, Column 6, lines 58-61, Column 17, lines 13-21). The claim limitations do not preclude from having two control streams."

The subject invention, as claimed in, for example, claim 1, includes the limitations "generating an information signal consisting essentially of an input program comprising at least one

particular event, and control information", "transmitting said information signal to each user", and "offering various subscriptions to a user who is to make a choice of subscription and who is furnished with a device comprising means of selection of the particular event which can be configured on the basis of the chosen subscription providing, said means of selection operating on the input program comprising at least one particular event to selectively provide an output program comprising or not comprising the particular event according to the chosen subscription in dependence on said control information".

Applicants submit that Eyer et al. discloses generating an information signal including "an input program comprising at least one particular event, and control information" as well as an input program not comprising at least one particular event, contrary to that which is specifically claimed in claim 1. Further, with regard to this Eyer et al. embodiment, Eyer et al. neither discloses nor suggests the means of selection "operating on the input program comprising at least one particular event to selectively provide an output program comprising or not comprising the particular event according to the chosen subscription in dependence on said control information".

The Examiner further states "Eyer discloses the same information signal is transmitted to all subscribers and only paying subscribers have access to the pay control stream which allows for users to skip or fast forward through commercials to allow the user selectively output a program with or without a

particular event or commercial (Column 4, lines 14-16, Column 6, lines 58-61, Column 17, lines 13-21)."

Applicants submit that Eyer et al. then presumes that only two conditions, paying or non-paying. However, the subject invention contemplates a plurality of conditions, i.e., "offering various subscriptions to a user who is to make a choice of subscription and who is furnished with a device comprising means of selection of the particular event which can be configured on the basis of the chosen subscription, said means of selection operating on the input program comprising at least one particular event to selectively provide an output program comprising or not comprising the particular event according to the chosen subscription in dependence on said control information". As such, the device is configured based on the subscription desired by the user and validated by the service provider.

In view of the above, Applicants believe that the subject invention, as claimed in claims 1-4 and 6-8, is not anticipated by Eyer et al.

With regard to claim 5, Applicants do not dispute the existence of graphical interfaces for making a menu selection. However, bearing in mind that claim 5 depends from claim 1, Applicants submit that Ayer et al. and the Official Notice/Admission, neither discloses nor suggests the means of selection "operating on the input program comprising at least one particular event to selectively provide an output program

comprising or not comprising the particular event according to the chosen subscription in dependence on said control information".

Hence Applicants believe that the invention as claimed in claim 5, is not rendered obvious by Eyer et al.

Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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